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Speech of
Cook, Mr. Daniel



Class E-774

Book 18-77

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SPEECH

OF

MR. COOK,

OF ILLINOIS,

ON THE

RESTRICTION OF SLAVERY IN MISSOURI.

*Delivered in the House of Representatives of the United
States, February 4, 1820.*

Mr. COOK, of Illinois, rose and addressed the committee, as follows :

Mr. Chairman : In rising to address the committee on the subject now under consideration, I feel greatly that embarrassment which is incident to youth, in addition to that which is almost necessarily felt by all in approaching a subject so delicate and momentous in its nature. And, sir, were I otherwise situated than I am, I should gladly withdraw from the conflict, and leave the field to those whose age and experience better qualify them to maintain it. But, in addition to the common interest which is felt by all the friends of this amendment, I feel, and the people whom I have the honor to represent really have an interest peculiar to themselves. The existence of slavery is acknowledged on all hands to be a misfortune and an evil in our country, and experience furnishes sad evidence of the evils and inconveniences which are felt in those states where it does not exist, from its existence in a neighboring state. Missouri and Illinois are separated only by the intervention of the Mississippi river : their immediate adjacency, therefore,

Mr. Chairman, gives rise to a particular interest, superadded to the common interest felt by the people of Illinois. Thus situated, I feel it my bounden duty to give the amendment my support, and shall give that situation as an excuse for my venturing to trespass upon the attention of the committee, by taking a share in this debate.

But, Mr. Chairman, before I engage in the examination of those great questions which are involved in this amendment, I must beg the indulgence of the committee while I attend to some remarks which have fallen from gentlemen in the course of this discussion. It has been remarked as frequently as gentlemen have been heard in the opposition, that they are sworn to support the constitution; and it has been further said by a gentleman from Virginia, (Mr. Randolph,) that those who support the amendment are striving to enter the temple of the constitution at the hour of midnight, to violate its sanctuary. It is further said by a gentleman from Massachusetts, (Mr. Holmes,) that they are striving for power, and are paving the way for some master juggler, behind the scene, to ride into the Chief Magistracy of the nation. [Here Mr. Holmes interrupted Mr. Cook, and observed, that he had said, that he believed there was a party who had conjured up this hobby, playing a deep game, and who, he believed, intended to try to turn this measure to their advantage, and ultimately to secure to their leader the Presidential chair. But that, from that party he had expressly excepted the gentlemen of this committee.] Without having any recollection of the exception now spoken of by the gentleman, continued Mr. C. I must say, that the explanation has made the insinuation, which I before considered a direct attack upon the integrity of those with whom I am acting on this occasion, no less unpalatable than it was before. That there has been a hobby conjured up out of doors, and by urging it that we are striving for power, and that a master juggler at the head of that party, behind the scene, expects to turn that power, if attained, to his advantage, is, to my mind, leaving the imputation as strong in fact, though not so in expression, as I originally understood it. Sir, if I were to look through this committee for one to suspect of being under the influence of such motives as have been insinuated by the honorable member, there is no man on whom that suspicion would sooner fix itself than the gentleman who has just interrupted me. And I would further remark that I, as well as gentlemen in the opposition, have sworn to support the constitution; and while I will say to them "act in pursuance of your honest convictions," allow me also to do the same.

In the course of my observations, Mr. Chairman, I shall not repose with confidence on all the positions which gentlemen have assumed who have preceded me in support of this amendment. I shall, however, undertake to prove that the constitution, according to a fair and liberal construction of that instrument, does vest the power in Congress to legislate upon this subject; that the treaty, even if it were competent for a treaty to do so, has not infringed that power: and I shall further undertake to prove that it is expedient to exercise it.

In doing this, Mr. Chairman, I shall not rest alone upon the provision in the constitution which imparts the power "to provide for the general welfare." But I shall be far from considering this Mr. General Welfare, as the gentleman from Kentucky, (Mr. Hardin,) has styled that provision, a great political scoundrel. No, sir, I shall look to him as my great captain, my captain general, in the march of my argument, and shall discard all arguments which are not promotive of his interests. Nor shall I, Mr. Chairman, as that gentleman, as well as a gentleman from Virginia, (Mr. Smyth,) has done, complain of and denounce the propriety of being furnished with the sentiments of the people, through memorials, pamphlets, or resolutions, as they may choose to communicate them, on this important subject. No, sir, I hold the right of the people to assemble, and make known their wishes, opinions, and feelings to their representatives, in any decent manner which they may choose to adopt, too sacred either to be abridged or discouraged by treating the result of their enquiries with entire neglect; much less with entire contempt. Sir, I rejoice that I live in a country where the people have the right of discussing all measures of government; and I still more rejoice, that they exercise that right. While they do exercise it, there may be some hope of preserving the purity of our institutions. Each man, by thus discussing those measures, becomes more or less qualified to stand as a sentinel on the watch-tower of the nation, to guard its liberties, and, as he becomes qualified, his willingness increases to perform that holy duty. I will be the last man to invade this high prerogative.

I shall not, therefore, as those gentlemen have done, treat those pamphlets, memorials, and resolutions, with contempt and severity, but with respect and deference; reserving to myself the right, however, of judging of the constitutionality of all measures; for I do not consider instructions, either legislative or popular, so binding as to require the representative to violate the constitution; but they are certainly entitled to great weight in deciding upon matters of policy.

But, sir, to proceed to the constitution. The 9th section of the first article contains the following provision :

“The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808 ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.”

Gentlemen in the opposition have differed as to the objects to which those two words “migration, and importation” apply. Some say they apply exclusively to slaves, but contend they were used as synonymous terms. Others say that the power to prohibit migration is given in aid of the power to prohibit importation. And others contend that it is given to prohibit the migration of free white persons, when the public security may require it. From the language of that clause of the constitution, Mr. Chairman, without any other evidence of the intention of its framers, I think it must be apparent to every candid mind, that they meant slaves, and slaves only. For, although the existence of slavery in the nation required many constitutional provisions in relation to them, yet you will find that whenever slaves are meant, the word persons is invariably used in describing them. But, it is said by the gentleman last up (Mr. Hardin,) that the restriction as to the time when Congress shall exercise this right of prohibiting the importation and migration of slaves, is a restriction upon power, and no delegation of power ; and that the power of prohibiting migration does not exist in Congress, even after the year 1808, the period at which the restriction expired. What, sir, a restriction upon power, when no power exists to be restricted ! That no power should exist in Congress to prohibit the importation, or migration of slaves ; and that the framers of the constitution, should still deem it necessary to restrict the power of Congress, previous to the year 1808, is to my mind attributing to that body the commission of an absurdity, that, to say the least, appears in no other part of that instrument. No, sir, the restriction upon any power necessarily pre-supposes the existence of that power ; and, although this clause of the constitution does not contain a delegation of power in express terms, it does, by a necessary and universal rule of construction, admit its existence. It is, sir, in technical language, a negative pregnant, negating the power of Congress for a given period, and affirming it after that period. But, sir, if this clause of the constitution mean white persons in any part of it, why confine it to the states “now existing ?” If it were necessary to restrain Congress from passing laws prohibiting

the migration of free white persons into the states already settled, and admitted into the Union, I can see no good reason for leaving that power unrestricted, when new states, not then admitted, and which might stand in greater need of population, should come in question. Such a construction, sir, is hostile to the obvious import of the language made use of by the framers of the constitution, and still more hostile to the genius of our government, which intends to open its bosom as an asylum, and invite emigration. But that the word 'importation' was intended to apply to slaves, is admitted on all hands, and, if so, I would ask, why insert the word migration directly after it, and leave them both to apply to the word persons, without distinguishing between the kinds of persons on whom they were respectively to operate? But, Mr. Chairman, we are fortunately provided with the journal of that convention who bequeathed to this nation I (trust) the eternal charter of our liberties, the federal constitution; and, as this clause of that constitution is to have an important bearing upon this subject, according to the view I take of it, I beg leave to ask the attention of the committee to such part of its history as I conceive calculated to shed any light upon the subject.

In the 4th section of the 7th article of the report of the committee of five, who reported to the Convention the plan of a Constitution, the following proposition will be found: "No tax or duty shall be laid by the Legislature, (meaning Congress,) on articles exported from any state; nor on the migration or importation of such persons as the several states shall think fit to admit; nor shall such migration or importation be prohibited." By this proposition it will be seen, that no tax was to be imposed either on migration or importation. Nor was such migration or importation ever to be prohibited by Congress. When this report of the committee was taken up in the Convention, it was moved to insert the word 'free,' before 'persons,' and thereby defeat the restriction which was intended to be imposed on the power of Congress, to tax the importation and migration of slaves. The question not being taken on that day, the proposed amendment was, on the following day, withdrawn, leaving the slaves as yet free from taxation, and placing it beyond the power of Congress to prohibit their importation or migration, wheresoever the states might think fit to admit them. But, sir, previous to this period, the great question of apportioning the representation had been discussed for near forty successive days; and it was readily seen by the members from the non-slave-holding

states, that, if they permitted the perpetual importation of slaves, and also the migration of those slaves, into the new states, that, from the great number that might be imported, and that might migrate with their owners into the new states, the balance of power might always be held against them by the accumulation of slave representation; they therefore moved to commit that clause to a committee for compromise and amendment; and the committee accordingly reported, two days thereafter, the following amendment, as a substitute for the clause committed: "The migration or importation of such persons as the several states *now existing* shall think proper to admit, shall not be prohibited by the Legislature, (meaning Congress,) prior to the year 1800, but a tax or duty may be imposed on such migration or importation, at a rate not exceeding the average of the duties laid on imports." By this proposed amendment, Mr. Chairman, it will be seen that the right of importation and migration was to be confined to such states then existing, as might think proper to admit them; and also to leave Congress to the exercise of its sovereign power on these subjects, which embraced the right of prohibiting their migration or importation, after the year 1800. But the right to lay a tax both upon importation and migration, according to the average duties laid on imports, was still reserved.

This provision, however, did not suit the views of the southern states, and, accordingly, on the next day it was moved to extend the restriction to 1808: and it was agreed to. But, lest it should be misunderstood as to what description of persons this provision was intended to apply, it was on the same day moved to substitute the following instead of the before recited clause: "The importation of slaves into such states as shall permit the same, shall not be prohibited by the Legislature of the United States until the year 1808." This proposition, because it used the obnoxious term "slaves," because it did not except new states, and because it reserved no right to impose a tax on such importation, was promptly rejected.

The provision now in the Constitution was then proposed and adopted; varying, as will be seen, from the report of the select committee, which had left both the importation and migration of slaves subject to the average duties of imports, so as to make their importation only subject to taxation, and limiting that tax to so moderate a sum as to prevent Congress from virtually prohibiting such importation by the imposition of a heavy tax, and leaving the migration, which, Mr. Chairman,

means nothing more nor less than the removal of slaves from one state to another, free from taxation ; an exception that was necessary to be made in order to preserve inviolate that clause of the Constitution which had provided that "no tax or duty shall be laid on articles exported from any state."

Having thus traced this provision in the Constitution to its final adoption, I think there can be but one opinion, at least as to the description of persons on whom it was intended to operate. And I think the examination will also contribute much to prove that the right was understood and intended to be vested in Congress, to prevent the migration of slaves into the new states from the time of the adoption of the Constitution, and even in the old states, after the year 1808—a power essentially necessary to check an evil which produced so much difficulty in setting the principles of the Constitution.

Indeed, Mr. Chairman, it seems to me that we can plainly see through all this mysterious arrangement of dates and restriction to the then existing states, if we will for a moment advert to the ordinance of '87, by which the faith of the old Congress was pledged to admit into the Union the new states to be formed within the boundaries of the North Western Territory, as non-slave holding republican states. If the power of Congress to restrict slavery had have been tied up in relation to the admission of those states until the year 1808, new states might have come into the Union prior to that period, from that quarter ; and, if they had desired slavery, the power of virtually repealing that ordinance might thus have been given to those new states, which was a compact between the people of the United States and of that territory, and subject to be dissolved only by their mutual consent. And hence also the delegation of that discretionary power which Congress has, of admitting new states or not, as I shall attempt to prove hereafter.

But, sir, slavery unhappily existed in our country previous to the adoption of the present Constitution; and, in order to secure the blessings of a union of the states, which, by their joint energies and with the united sacrifice of their blood and treasure, had achieved a glorious independence, mutual concessions were necessary to be made to and by the respective sections of the empire. Slaves, therefore, because they formed a considerable share of the southern population, and not because they gave strength to, for they in fact enfeebled the physical force of the country, it was agreed should be represented in Congress, making five slaves equal to three white persons in the enumeration. And in the same spirit of

• compromise and concession to the South, the right to import slaves and also to take them from state to state, as the states themselves might allow, until the year 1808, was also guaranteed by that clause of the Constitution. And, in consideration of these advantages, the south surrendered in favor of the north the right to Congress to stop both their importation and migration after that period. And, sir, the word migration here, is sufficiently explained, when I say that the right to import into the states on the sea-board might not be construed to imply the right of migrating with them to states in the interior, and hence it was deemed necessary to guarantee, prior to 1808, as well the right of migration as of importation.

To test the correctness of this construction, Mr. Chairman, let us examine the practical exposition which this article has received since the adoption of the Constitution down to the present period. Gentlemen, I am rejoiced to say, both from the south and north, have displayed a noble, a magnanimous, and indeed, sir, I might say, an equally holy zeal, to put down that diabolical and unchristian practice, which has so long disgraced the civilized world, the slave trade. In 1807, Congress passed a law expressive of the deep abhorrence of that nefarious traffic, which was felt by the nation, to take effect on the 1st day of January, 1808, the first hour that it could operate after the expiration of the restriction imposed by the Constitution on the power of Congress over that subject. That law forbade the importation of slaves into the United States, or any of their territories, and imposed a heavy penalty for its violation. On the 20th of April, 1818, a supplement was passed to that act, providing new guards and penalties against such importation. On the 3d March, 1819, another law was passed, authorising the employment of the armed vessels of the United States, and an appropriation of 100,000 dollars was made still to further the views of the country, to put down this baleful and unhallowed practice. Thus the zeal and the wisdom of the government has been exerted for twelve years, in the cause of humanity.

But, sir, from what source, I demand of gentlemen, have they derived this power? from what provision in the Constitution do they derive the power to employ the money and the arms of the nation, to rescue these unhappy beings from the hands of lawless oppression and vile cupidity? Sir, it is the same clause of that constitution from which I derive my power to vote for a prohibition to the migration of slaves into Missouri. And if gentlemen will search that constitution till, like the gentleman from Virginia, (Mr. Randolph) their eyes are

worn out in the service, they can find it no where else. But, I ask, do they find it in that clause? No sir, it is not there—that clause contains no delegation of power—It is a restriction upon power. According, therefore, to this course of reasoning, there is no power in Congress to prohibit this infamous, this disgraceful traffic, and gentlemen have, in this case, as well as in the admission of new states upon condition, heretofore been exercising an usurped authority. Sir, such is not the fact, nor will gentlemen consent to such reasoning. No Sir, we have the power to prohibit the importation of slaves, and that very clause gives us the power—and it gives it to us by construing it, as I have once said, as a negative pregnant negating the power of Congress to prohibit such importation until 1808, and after that period affirming that power. Sir, it is by this course of reasoning and this only that we can arrive at any power to act upon this subject. We therefore, Mr. Chairman, have power in both cases, or we have it in neither.

I think, Mr. Chairman, I have now shewn that if Congress has the right to prohibit the importation of slaves into the United States, that it has the power to prohibit their migration into the proposed state of Missouri. And I trust, sir, when I come to treat of that provision of the constitution which authorises the admission of new states into the union, I shall be able to satisfy the committee that it was the intention of its framers to leave this very subject open to the future decision and legislation of the nation. But, before I ask the attention of the committee to that part of the subject, I will beg leave to offer a few remarks in relation to the practical exposition of the power of Congress to admit states into the Union upon conditions.

Congress, at its first session after the adoption of the present constitution, passed a law declaratory of the validity of the ordinance of '87, in which it was provided that in the states to be formed therefrom *slavery should not exist*. This law was approved by the illustrious Washington, who had just before witnessed the deliberations of the convention, on that interesting and important subject of slavery, and had all those adverse feelings and jarring interests, which attended that discussion in the convention, fresh in his recollection—for he was President of the Convention.

Sir, every President, I believe, who has been in office since the time of Washington down to the present day, has approved some act admitting a new state into the Union: and none has been admitted, since that period, which has not had some condition prescribed as the terms

of its admission. Even the present chief magistrate, Mr. Monroe, has recognized this doctrine in the admission both of Alabama and Illinois, and he has recognized this very identical restriction on condition, in relation to the latter. Yet gentlemen tell us, it is all a barefaced usurpation of power which Congress has been thus exercising, and which all the Presidents have been sanctioning.

Sir, I will not cast that reflection upon those illustrious personages who have administered this government, nor upon those gentlemen who have preceded us in this body, which so bold an accusation implies. That such a system of usurpation should continue in practice without interruption for thirty years—sanctioned by almost every successive Congress in some shape or other, by Washington, Adams, Jefferson, Madison, and even the present chief magistrate Mr. Monroe, is to my mind a position which would only be taken in a desperate cause, in support of a desperate measure. Sir, a construction, thus acquiesced in, becomes something like a principle of the government not now to be shaken, and particularly by those who have heretofore acquiesced in it and given it their sanction.

But, for the sake of argument, admit that the ordinance was unconstitutional at the time of its adoption, in consequence of the want of power in the old Congress to agree to the admission of new states without consent of nine states, which gentlemen say was not the case—does not the present constitution give that power to a majority of both Houses? and did not the first Congress under this constitution virtually re-enact it when they passed the act adapting it to the new state of things? Surely they did. But I will go further, and admit that the sixth Article was intended only to operate on the Territory, and that under its original enactment it had performed its office, when states were organized. Yet it must be borne in mind that it has been revived, even if that were the case, three several times since, I mean when those states which it embraced applied for admission, and has, by virtue of such revival, become now a matter of compact, between each of those states and the United States, and I think Congress would consider it a violation of that compact for either of those states to undertake to admit slavery hereafter.

In the case of *Stuart* against *Laird*, (1 Cranch, p. 299,) decided by the Supreme Court of the United States in 1803, this doctrine is laid down:

“Another reason for reversal is, that the Judges of the Supreme Court have no right to sit as Circuit Judges, not being appointed as such, or, in other words, that they

ought to have distinct commissions for that purpose. To this objection, which is of recent date, it is sufficient to observe, that practice and acquiescence under it for a period of several years, commencing with the organization of the Judicial system, affords an irresistible answer, and has indeed, fixed the construction. It is a contemporary interpretation of the most forcible nature. This practical construction is too strong and obstinate to be shaken, or controlled. Of course the question is at rest and ought not now to be disturbed." And, in the case of the United States' Bank, so ably argued, and then so ably decided by the same Court during the last winter, (See 4 Wheaton, 400.) the Court recognizes the same doctrine, contending however, without the aid of precedent, that the charter is the offspring of legitimate legislation on the part of Congress.

Mr. Madison also, in his Message to the Senate, in 1816, communicating his disapprobation of the bill which had passed both houses of Congress incorporating a national bank, makes these observations :—"Waving the question of the constitutional authority of the legislature, to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive and judicial branches of the government, accompanied by indications in different modes of a concurrence of the general will of the nation," &c.

Thus, Mr. Chairman, it will be seen, that, upon the principles established by the Supreme Court, recognized in two cases which I have cited, and upon a principle recognized also by President Madison, this question should now be considered as in some degree settled, if not precluded. The gentleman from Kentucky, (Mr. Hardin,) however, will not admit that precedent ought to have any weight in settling the principles of the constitution. What! not a precedent made by some of the very framers of that constitution? A precedent also produced by a concurrent legislative exposition? Sir, Gen. Washington and Mr. Madison, who have both given their approbation to this construction, were members of that convention. And, yet, shall it be said their construction should have no weight? The gentleman, however, claims, I perceive, the benefit of precedent, when it operates in his favor. He tells you that Missouri is entitled to admission from her numbers, although the constitution says nothing about numbers. Yet, he says, that other states have been admitted with less than sixty thousand, which forms a precedent by which Congress ought to be

governed, in admitting Missouri Sir, I will be candid. I will admit the force of his precedent—I think Missouri entitled to admission, but, in recognizing her right upon precedent, I certainly must claim the benefit of my own, and ask the gentleman, with the same frankness, to do the like.

Having shown, Mr. Chairman, as I think I have, that Congress have the power to prohibit the migration of slaves to Missouri, and, from the practice of the government, that conditions not inconsistent with the federal rights of the state may be tendered as the terms of admission, I will now proceed to examine that clause of the constitution which says, “New states may be admitted by the Congress into this Union.” From the very language of this provision, there would seem to be an implied existence of a discretion in Congress to admit or reject. In the justness of this construction, however, gentlemen generally concur on both sides. But it is contended by the gentleman from Kentucky, (Mr. Hardin,) as well as a gentleman from Virginia, (Mr. Smyth,) that Congress has no other power but simply to reject or admit; that ‘a state’ is a definite term, as used in the constitution, and implies in its definition a negation of the power of Congress to interfere further with it than to see that it is republican. To this argument, Mr. Chairman, I think it would be a sufficient answer to say that, if Congress may reject, some reason ought to be assigned for such rejection, and if it is not a reason in conflict with the exercise of the federal rights of the state, that such reason might as well be suggested as a condition, as to hold back, and reserve its disclosure till the constitution is presented. But, Mr. Chairman, I have said, while discussing another branch of this subject, that the discretionary power which this clause of the constitution gives to Congress to admit or reject, was given with an eye to this very subject. That it was given for the purpose of allowing Congress to prohibit or admit the extension of slavery, as in its wisdom might seem most conducive to the general welfare. And, to establish this position, I will now ask the attention of the committee to the history of this provision, while under the consideration of the Convention. In the draft of a constitution reported on the 6th of August, by the committee of five, after proposing that it should be necessary for two-thirds of the members present, of each branch of Congress, to consent to the admission of new states, they further report, that “If the admission be consented to, the new states shall be admitted on the same terms with the original states.” On the 30th of August, when this part of the report of the committee

was acted upon, it was moved to strike out that part of it which proposes their admission on "an equal footing with the original states," and it was agreed to.

Previous to this time, I will again repeat, it was agreed that the slaves should be represented, and also that the states then existing should have the right of deciding whether they would tolerate the importation or migration of slaves previous to 1808, or not. To say that the new states, therefore, should be admitted on the same terms with the original states, was to give to them the power also of admitting or rejecting slavery; and as, in the exercise of that power, the new states might destroy the leading principle of this compromise, by giving the balance of power to the slave-holding states, and allow its unlimited expansion; and because it would, as I have before stated, virtually authorise the new states to be formed in the N. W. Territory to repeal the restriction imposed by the compact contained in the ordinance of '87, it was stricken out, leaving Congress, therefore, to exercise the very discretion which is now proposed to be exercised in admitting Missouri.

This conclusion, Mr. Chairman, I think is fairly derivable from the premises which I think I have as fairly employed. Indeed, sir, I think it must be obvious to all who have adverted to the Journals of that Convention, that the intention was, to settle the principles which should apply to the then existing states, permanently, and to leave the manner and time of admitting new states to be regulated by Congress, guaranteeing, however, to such new states the same federal rights which were secured to the old. The great object, Mr. Chairman, was to unite in one common federative government the then existing states, and to secure to those states the power of guarding their common interests. They had fought and they had bled in the cause of freedom, and, in establishing a form of government for themselves and posterity, it could not be expected that they would leave a question, which presented greater difficulty in agreeing upon the principles of that government than all others, in such a situation as to put it in the power of the new members that might be introduced into the family, to unhinge and destroy those very principles. I mean the compromise of representation. That they would thus expose the very foundation upon which their government rested to be torn up by future states, and that, too, with their sanction, I think can scarcely be believed.

But, sir, I would here beg leave to call the attention of the committee to a proposition made in that Convention, and which was very near being adopted, as strongly indicative of the views and feelings of the framers of our

Constitution, when reflecting upon this very subject.— On the 14th July, the following proposition was moved : “ That, to secure the liberties of the states already confederated, the number of representatives in the first branch, from the states which shall hereafter be established, shall never exceed the representatives from such of the thirteen United States as shall accede to this confederation.” This proposition was made while both the subject of representation and the admission of new states was under consideration ; and on the very next day after the Convention had adopted a provision which had for its object the regulation of the representation in this branch of Congress, according to the population of the respective states ; but, as Congress would have the power of admitting or rejecting new states, and the power of decreeing whether these states should decide on the admission of slavery, it was therefore unnecessary to restrict the representation of such states as the wisdom of Congress might allow to participate in the blessings of the Union, to a less number than their population, upon a general and equal representation, might entitle them.

It was therefore rejected, but rejected by a bare majority of *one vote only*. My proposition, then, is, that the Convention did intentionally use these broad expressions for the purpose of leaving Congress thereafter to exercise its discretion on this subject in admitting new states. Having trespassed thus long upon the attention of the committee, Mr. Chairman, which it has so kindly shewn to me through this dry, and what would be on other occasions uninteresting examination, an examination, however, which I trust, on this occasion, will throw some light upon the seemingly obscure intention of the framers of the constitution—but, sir, if it shall fail to convince others, that Congress has power to legislate constitutionally upon this subject, I trust it will at least afford an excuse for the opinion which I entertain ; and remove those lurking suspicions, which have occasionally unfolded themselves, sometimes in doubtful, and, at others, in more glowing and unfading colors, of the sincerity of those with whom I co-operate in supporting this amendment—having done this, Mr. Chairman, I will now proceed to examine the nature of the treaty, by virtue of whose provisions Missouri claims an exemption from this restriction, and by virtue of which, gentlemen ‘ demand’ her admission into the Union as matter of right ; and see if there is anything in that treaty which impugns the power which Congress would have had in relation to this subject if the third section of that treaty had not have been incorporated in that instrument. Sir, what are the provisions of this treaty ? They are, first, “ that the inhabi-

tants of the ceded territory shall be incorporated into the Union of the United States." And, under this provision, I admit that the faith of the government stands pledged to admit them into the Union. But, it is further provided, "that they shall be admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." The question then arises, what was the object of this latter provision? Was it to give them the right of framing a constitution and presenting themselves at your door for admittance, as soon as they pleased to apply? No, sir. If such were the intention, why pass a law now authorizing them to frame a constitution? No, sir, it was to secure to them, in the first place, the rights of citizenship, without going through the tedious and regular process of naturalization; and also to secure to them the protection of the United States' Government.

Sir, is it to be said that the relative rights of citizenship were not of sufficient importance to give rise to a provision securing those rights? I presume not. Shall it be said that the right to be protected by the United States against savage and all other depredations, was too unimportant a consideration to give rise to such a provision? Surely not. But they are to be incorporated into the Union; and how are they to be incorporated? Why, sir, according to the principles of the federal constitution, and according to those principles, too, which apply to the admission of new states; for, can it be believed, that if the framers of the constitution ever cast their eyes across the Mississippi, with the most distant belief that that boundless region was ever to be carved out into American states, and form a part of that federal family to which they were then giving new birth; that they intended that the territory, a part of which (I mean the now state of Ohio) was hallowed by the blood of the revolution, should be on a worse footing than the President and Senate might put the territory now under consideration; that it should be admitted, under any circumstances, without being subject to the power of Congress to exercise a sound discretion as to the terms of such admission; a discretion which I hope I have shown was intended to be guaranteed to Congress, when that provision was stricken out of the report of the committee of five, before referred to, the object of which was to admit new states into the Union "upon an equal footing with the original states?" Sir, I think it cannot be believed that the Convention intended to subject the principles of that compromise, which so much agitated that body, and which formed the basis of the Union, to be thus disturbed

—nay, destroyed, and arm Congress with no redeeming power to prevent it.

This treaty, therefore, if it were possible for any treaty to do so, has not attempted, according to its fair construction, to infringe that power, in its fullest extent, which Congress has to regulate the terms of the admission of new states.

But, say gentlemen, this is a federal right ; the right to hold slaves is guaranteed by the federal constitution, and therefore is a federal right, with which Congress cannot interfere. The right to hold slaves guaranteed by the federal constitution ! No, sir ; it was a right which existed before, and the federal constitution has only provided against the invasion of that right in such of the then existing states as choose to recognize it as a right. This was necessary to be done, because they were then recognized as property, and without the consent of the states they could not be made to assume a higher station. The right to hold slaves, therefore, is not *created* by the constitution. Nor is it a federal right : it is a state right ; or, in other words, a state wrong, with which, by its consent, it may part, by compact with the general government, without committing any violence upon its federal rights. Nay, it is a right of which it could be deprived, in future, by passing a non-migration law by Congress. The provision then in the constitution, Mr. Chairman, which provides for the reclamation of fugitive slaves when they go into non-slave-holding states, is only a necessary regulation which grew out of the previous existence of slavery in the Union, and does not therefore create the right to hold slaves. And by this course of reasoning, Mr. chairman, I think I fully answer so much of the argument of the gentleman from Kentucky (Mr. Hardin) as has been employed in opposition to this restriction, as is drawn from the technical meaning of the word *state*. But, sir, let us test, by further illustration, the soundness of that argument. The gentleman says, state and nation are synonymous terms, and that a *state*, in the interpretation to which it is entitled, under the constitution, is as sovereign as a *nation*, except so far as that sovereignty is abridged by an actual and express transfer of a part of its sovereignty to the United States, in their federal character ; and because there is no express surrender of this power, (though I believe he called it a right,) to decide whether they will have slavery or not, that therefore it is a sovereign right, which cannot be surrendered. Sir, allow this interpretation of the word *state*, and what does it lead to ? Is there any express provision, in so many words, authorizing Congress to retain or hold the right of soil in any state, unless by compact ? No sir. Is it

not then a trait of sovereignty, as a nation, for the sovereign to take possession of the vacant lands within that nation? Surely it is. If then there is no express provision authorizing Congress to retain the property in such soil, according to the argument of the gentleman it is as a sovereign right, belongs to the state, and cannot be surrendered. Are the committee prepared to recognize this doctrine? No; I presume that even the gentleman himself is not.

But the same gentleman tells us, that even if we have the power, which by this time I trust I have shown, at least to the satisfaction of some, that it is impolitic to exercise it; that public sentiment is aroused, and so much divided, that even the cabinet is believed to be divided on this great and interesting question, and that therefore it is too delicate a measure to be pushed. What! the cabinet divided! How does the gentleman ascertain this fact? And, even if it were the fact, what influence should it have upon the question? I could answer for one, but will leave others to answer for themselves. But, sir, I will again remark, on the subject of power, that, as Congress has acquired this territory without express authority to do so, I should for one say we have at least as good authority to say that it shall not come into the Union, as states, unless it is upon those principles which will subserve the general welfare; for it must have been with a view of promoting the general welfare that it was purchased, and that view should, at no change of its condition, be lost sight of.

Mr. Chairman, I am told this is a northern trick—a northern scheme to get into power. For one, I can answer, that I am governed alone by a desire to promote the welfare of my country, and to discharge, with the best of my abilities, the high trust which has been confided to such feeble hands. And, while I make this declaration for myself, I derive consolation from the conviction that I am associated with men governed by motives no less exceptionable. Sir, I believe this measure has originated in the best and noblest of motives; motives dictated by humanity and the ultimate happiness of this nation. But, even if I believed it originated in corruption, I would support it. I would support it, because I believe it has for its object the attainment of an end of the last importance to the nation. I would support it, therefore, as an evil out of which good might come. Mr. Jefferson was charged with supporting the revolution to cancel his British debts: I, however, do not believe it: yet, if it were true, from evil motives he was supporting a glorious cause. I would support this measure, sir, but

would, with equal zeal, oppose the same gentlemen in their attempts to make an improper use of the decision of the question in their favor. But I again repeat that I have every confidence in the integrity and exaltedness of the motives which dictated this measure, and also of the motives which unite gentlemen in its support.

We are further told, Mr. Chairman, that it is a northern trick, intended to injure the prosperity of the western country. What, sir! a trick to injure the western country? Let Ohio, Indiana, and Illinois answer the question. No, sir, it is a measure which is to open new inducements to their own citizens to migrate to that country, and thereby weaken themselves. It is a measure which is to give to the west a vigorous, industrious, and wealthy population. It is a measure pregnant with the ultimate grandeur of that country. But I am here brought to a still more important view of this subject; a view, sir, which has much weight upon my mind; one which I, as a representative of the west, feel bound to obey: I mean its effect upon the Union, in a political point of view. Sir, from a similarity of interests, of institutions, and of feelings, the North and the West, at least so far as slavery is regretted, will feel disinclined to dismemberment. A reciprocity of all those inducements which operate to cement communities will keep them together. The South and the West will also have a no less binding community of interests to hold them together.—The western non-slave-holding states, therefore, will stand, in relation to the North and the South, not only as neutrals, but as their common allies. Sir, those states, from their local situation, will have a deciding influence in every attempt at dismemberment: and a section of our country thus happily situated should be placed upon that footing which will give it most influence and most strength in harmonizing the jarring and conflicting interests and feelings, which time may unhappily develope, between the other sections of our empire.

Mr. Chairman, I am sorry to have to advocate any measure which is calculated, as I conceive this is, to give perpetuity to our Union, and, at the same time, to be compelled to avow the necessity of assigning that as a reason upon this floor. The sound of disunion, a term so horrible in itself, if possible, should never be uttered within these walls. Yet it has been uttered so often in this debate, and has become so familiar, that it is high time to begin to adopt measures to prevent it, and also to express our solemn disapprobation of any measure or any proceedings in the least degree calculated to produce it. Sir, when I hear gentlemen, in the heat of ar-

gument, as was the case with two honorable gentlemen from Virginia, (Messrs. Smyth and Randolph,) speaking to their constituents, and to the South generally, calling upon them "to make common cause," to stand united in resisting, even with "those arguments about which the law is silent," this asserted usurpation of authority—an appeal which is calculated to excite the angry passions of the community—I must confess, sir, that I am aroused, and thrown from that calmness which, I think, should characterize this discussion. If such declarations are employed as mere rhetorical flourishes to embellish their speeches, or intended only to intimidate the members of this committee, for one, sir, I can answer, that they will have no such effect upon me. But, sir, they are declarations which will find their way to the public eye, the public ear, and, what is still worse, to the public feelings. They will not, as the honorable gentleman from Georgia, (Mr. Reid,) has told us, die within these walls. Would to heaven they could! But, like all other bad tidings, they will spread throughout this land, and consequences which gentlemen do not expect, and which I am sure they cannot wish, may yet disturb the repose of this nation. I hope gentlemen will remember that it is much easier to excite rebellion and insurrection than it is to suppress it. The ball of revolution and civil war, Mr. Chairman, when once put in motion, has seldom been arrested by the same hands which gave it impetus. No, sir, on the contrary, those who put it in motion are too often the first who fall beneath its ruins. France affords gentlemen melancholy evidence of this truth: let the spirits of Mirabeau, Robespierre, Danton, Barras, and even Napoleon in person, give it verity. Let it once be put in motion in this country, which will necessarily be the result of great public excitement, and, like an irresistible torrent, it will roll across this mighty empire, destroying alike its promoters and opposers.

Alas! I sicken at the doleful picture which my imagination has already drawn on this subject! Is it, indeed, the intention of gentlemen to arouse our brethren of the south to rebellion? to a resort to arms to resist this exercise of power, by the representatives of the people? Is it, indeed, for the purpose of bursting those bonds asunder by which we are united, that they thus appeal to the angry passions of their countrymen? Are these the objects of the gentlemen from Virginia? And for what is this union to be thus sacrificed? *In defence of the dominion of slavery?* What! Virginia go to war in defence of slavery? Virginia! the hot bed of genius; the fountain of the revolution—of our independence; the nursery of patriotism; the birth place of our Washing-

ton, the father of his country ! *Virginia go to war in defence of slavery ?* No, sir, it cannot, it will not be. The sober feelings of this nation, and of Virginia in particular, however they may be excited for the moment, will redeem us, I trust, at all times, from such awful calamities. This mighty empire ; this strong man armed, is not thus to be shorn of all his greatness. But, sir, it is not the first time that attempts have been made to disturb the tranquility of that patriotic state, by her unhallowed malcontents ; by appeals to the angry passions of her citizens : No, sir. I find record evidence of the existence of a similar spirit as far back as the time of Washington, and the celebrated treaty of Mr. Jay. It is this, sir :

“ *Richmond, July 31.*—Notice is hereby given, that, in case the treaty entered into by that damned arch traitor, John Jay, with the British tyrant, should be ratified, a petition will be presented to the next General Assembly of Virginia, at their next session, praying that the said state may recede from the Union, and be left under the government and protection of one hundred thousand free and independent Virginians.”

This notice concludes by requesting the printers of *the present Union*, as they then called it, to give it publicity, for the purpose of creating a new union—(here Mr. Barbour called for the title of the book, from which Mr. C. read this notice, and was answered by Mr. C. that it was called the “ *Memoirs of Jefferson*,” which perhaps were libellous; he could not say) yet, Mr. Chairman, this intemperance had but little effect. Gentlemen may, therefore, indulge in rhetorical flourishes, and in drawing the hideous pictures of disordered imaginations, without endangering the union. Sir, it is in the patriotism, the intelligence, and the sober judgment of the people, that the anchor of our safety consists. And in these virtues, I trust the patriots of Virginia will not be deficient.

I regret, Mr. Chairman, that the remarks of gentlemen have thus drawn from me what perhaps had better never been said, and what, I am sorry to remark, I have felt myself called upon to say, in the discharge of my duty : and having done so, I will now proceed to the examination of the expediency of this restriction as an object of national concern.

Mr. Chairman, we have attempted to plant in the American soil the principles of free and republican government ; we have attempted to set an example to the world, of the capacity of man to govern himself, and of securing to all the enjoyment of equal rights. But, alas ! the brilliancy of this example abroad is too much darkened by the gloom which slavery spreads over it ; and while we continue to spread that gloom, the happy influence of re-

publican government will continue to be weakened, till, ultimately, like the sun, whose rays are obstructed by an impenetrable cloud, its influence will be lost entirely. It is due, then, to the dignity of this government, to show the world, that slavery only exists in the bosom of our republic from uncontrollable necessity ; a necessity forced upon us by our parent country. But, when we give to it new root, and spread it beyond its ancient borders, are our practices consistent with our professions ? Do we then show that it exists only from necessity ? or do we not show that it exists, at least in a part of our empire, from choice ? Sir, it is due to the character of our government for consistency.

Since the year 1808, every exertion has been made to abolish the slave trade. Gentlemen from all sections of the Union, and at all times, have united most heartily in this humane undertaking. And for what purpose ? Sir, it was to prevent an accumulation of that evil which so sorely afflicted our land, and to encourage which, heaped so much disgrace on all who were engaged in it. But this was not the only reason. The cries of humanity, and the soft whispers of religion, also demanded the measure. And if these motives have operated so long and so universally in the Councils of this country, shall not the same motives now arrest the progress of this evil in its attempt to plant itself in that boundless region west of the Mississippi ? Not only does consistency, but the vital interests of this government, demand it. To extend and more firmly rivet the chains of slavery, is but to hasten the epoch which I shudder to mention.

Sir, in the very nature of man is interwoven a love of freedom : it is a passion of the most ardent and indestructible character. It is a passion which, while bound in chains, lies like the hidden spark, ready to be fanned into a flame by the first breeze of hope. They are a race of beings like so many vipers in the bowels of the community. Is it not, then, our duty to use our best efforts to preserve our posterity, if it be not necessary to preserve ourselves, from a slow but certain fate, which an unchanged state of things must inevitably produce. The gentleman from Virginia, (Mr. Smyth,) has read to us an account of many of the civil wars, with all their attendant horrors, which have resulted from the existence of two different classes of people in the same government. And, while the gentleman has given us a sight of these blood-stained pictures of human misery, for the purpose of proving the position that two distinct classes of society cannot safely exist in the same country, and thereby to prove the necessity of diffusing this class of society so as to keep them in harmless numbers, and

also to rivet their chains so tight that they will be unable to act in concert ; they afford to my mind a warning argument of the necessity of their emancipation and colonization, before another picture shall be added to that gloomy collection, with which the committee have been presented by that honorable gentleman. For, sir, I repeat it, that, if the warning voice of experience tell us that it has been the fate of all countries where two distinct and heterogeneous orders of society have existed, sooner or later to wade through wars and bloodshed, that even America, the seeming favorite of Heaven, unless timely measures are adopted to avoid it, will not share a better fate. It is, with me, therefore, a leading consideration, to limit the sphere of this dangerous population, with an eye to its ultimate eradication from the bosom of our country. And, sir, I rejoice, that a proposition has this morning been laid upon your table, by a member from New York, (Mr. Meigs,) proposing an enquiry into the practicability of effecting that object. For one, I am prepared to devote every inch of the public soil west of the Mississippi, if so much shall be necessary, to the redemption of our country from this fatal, this deplorable evil.

But, sir, even if this evil cannot be eradicated, I am unwilling to extend it. Notwithstanding our brethren of the south deny that slavery has a pernicious influence upon the morals of society now, the experience of all past ages prove that when they shall be sufficiently numerous to pervade every ramification of society, that such will be the effect. That it should be otherwise, when, from their number and the cheapness of their labor, the free citizens of the country either need not, or cannot, for the want of sufficient compensation, be employed, than that idleness and luxury should here produce the same effects they have always produced in other countries, cannot be believed. In Athens, idleness and luxury were considered the parent of crimes, the disturbers of society. So dangerous were they considered, that Solon, their great law-giver, required every individual to pursue some trade or profession. Nay, so essential was it considered to the permanency of the government, and happiness of the people, that even Pisistrates, who had sufficient address to usurp that government, required the observance of that law after he came into power. But alas ! that government, which once so justly boasted of its statesmen, its orators, and its philosophers, under the baleful influence of that idleness and luxury which succeeded the abrogation of those salutary laws, became an easy prey to foreign cupidity, and is now living, or was, not long since, under the government of a

black eunuch, elected from the Turkish seraglio. Human nature is alike, and is only noble or abased, as circumstances decree.

But, sir, the day will come, when we must get rid of this evil, or the evil will rid itself of us. And there are but three ways in which to do it: by emancipation and colonization, by amalgamation, or by extirpation. In one of these ways, if ever, Mr. Chairman, we must get rid of this evil, and to hope for it in either of the last mentioned ways, is so revolting to our feelings, and so uncongenial with our nature, that no member of this committee, I trust, will look to either of them as the proper expedient. 'Tis, then, by emancipation that we ought to hope to remove this pestilence, this foul blot from our country. And will it be seriously contended, that the more they are spread throughout this land, the easier that object will be attained? No, sir; the love of ease and pleasure are the scions which shoot from the root of slavery. The more they are extended, therefore, the more will this canker spread, so fatal to liberty, and the more difficult will it be to effect their manumission. For, can it be doubted that this work is to be done by the combined influence of public sentiment and legislative exertion, and by that only? And if so, in proportion as you expose that sentiment to the extended influence of the temptation to ease and pleasure, in that proportion you diminish the prospect of success. The policy, therefore, of emancipation and extension, are hostile to each other—are inconsistent.

This, Mr. Chairman, is a fortunate period at which to embark in this cause. The world is at peace, with the exception of Spain, and are almost equally united in abolishing the slave trade. If we, therefore, cast our eyes across the ocean to Africa, the land of their fathers, we may hope to be able to procure a resting place for them, where they may enjoy peace and quiet, as well as ourselves. The public sentiments of mankind, and, from the evidences which have been given, I should hope the sentiments of this nation, are in their favor.

For what purpose are your extensive Colonization and Bible societies organized? are they simply to ape the English? No sir, they are the offspring of sound policy, humanity, and religion. Sir, I have an honorable gentleman now in my eye, (Mr. Mercer) whose zeal in the cause of humanity in promoting the views of the Colonization society, does honor to his heart and his character; yet I fear, on the subject under consideration, his views and opinions are at war with those great and benevolent exertions, for which he is so justly distinguished. But, while the fact that the world is at peace, tells us it is a

favorable period to embark with harmony and good fellowship in this work—It tells us still more—It tells us that, if in this attempt to eradicate this evil, we cherish domestic dissensions amongst ourselves—if we foster party feuds, and geographical distinctions—that a portion, at least, of that peaceful world may feel disposed to embark in our difficulties, and ultimately destroy the fair temple of our Independence. Sir, there was a time, I mean the time of the western insurrection, and of French intrigue in this country, that our liberties and Constitution stood on tottering ground. It was at that time that foreign interference had almost proved our destruction. They were times, perilous indeed. And it was then that France, by her minister, more properly indeed her emissary, fanned that flame which was rapidly melting the cement of our Union—it was then, that foreign influence and interference gave us a warning lesson against feuds of a similar character. But, Mr. Chairman, we then had a Washington, a Washington whose fame had filled the earth, to direct our ship of state. It was then, that one glance from his all penetrating eye drove dismay to the traitor's heart. Through the political storms of that day he safely steered us, and, thank heaven, left us safe in our moorings. But, shall such times revisit our land? We have no Washington to guide us, we must contend with the storm as we can.

I would here, then, call upon gentlemen to pause and consider whether this subject should not be discussed, with that calmness and friendly feeling which should characterize a great nation, legislating upon a great subject.

But, we are told, Mr. Chairman, that this is a great question, and one which should be compromised, by admitting Missouri with the right to settle this question herself, and to prohibit the extension of slavery in the remainder of that country. This indeed is a course which many gentlemen seem to desire. But, are we to understand gentlemen as conceding the point, that Congress has the power to make that restriction or territorial prohibition perpetual and binding on the States hereafter? [Here Mr. Lowndes smiled and shook his head] An honorable gentleman shakes his head, who has favored this proposition, and I am thereby left to understand, that such is not the nature of the proposition. Then away with your compromise. Let Missouri in, and the predominance of slave influence is settled, and the whole country will be overrun with it. Indeed, I am opposed to any compromise on the subject. I consider it my duty to aid in arresting the evil, and a duty of so high a nature, as to amount to a constitutional duty, em-

braced within the oath which I have taken to support that instrument.

It is enjoined upon the Union to protect each state, when called upon, against invasion and domestic violence. The existence of slavery is calculated to produce both of these evils. It will not be forgotten, that England, the bulwark of our religion, has already arrayed the savages against us—a manner of making war, no less vile and abhorrent to the feelings of civilized humanity, than would be the arming of our slaves. The existence therefore of slavery in a state, is calculated to invite invasion, and no one will deny, that it exposes the state to domestic violence. If it be the duty, then, of the Union, to expend the funds, and what is more sacred, the blood of our countrymen, to repel invasion, and to suppress domestic violence, is it not a good consideration on the ground of expediency to prevent, if possible, the existence of those causes which may thus disturb the safety of the state, and the tranquility of the Union? It is a reason that has much weight on my mind, however lightly it may be viewed by others. There is, Mr. Chairman, an argument which had escaped me, that has been urged against the justice of this restriction ; it is this : “That the country was purchased with the joint funds of the nation, and therefore should be left open to all.” The short answer to this would be, that the non-admission of slaves prevents no free man, whose money has been contributed to the purchase of the country, from going there. But, Sir, since there is a conflict on the subject of slavery, a subject, which has much divided the nation, is it more reasonable that the sixty thousand who have gone there, should settle this great question, than the ten millions by their representatives, who compose this nation, and who have all an equal interest in it ? I should think, Sir, that if it were a matter of feeling only, involving no great political principle, that it would look more reasonable, that the nation should decide it, rather than so small a portion of it, as sixty thousand. Several millions of people may yet inhabit Missouri, and the 60,000, therefore, should not be entitled to the right of deciding a question of so much magnitude, and which is so interesting to our common country. Freemen will not be unwilling to live with freemen. If slavery be prohibited, therefore, the freemen of all sections can and will go there, but, thousands, nay, millions of our freemen are, and always will be, unwilling to mingle with slaves ; by the nation, and not the handful now in Missouri, therefore, should this question be settled, provided it has the right to do so.

Mr. Chairman, in the time of our revolution we appealed to Providence to aid us, because our cause was just ; and, I must here be permitted to say, that I am superstitious, if it be superstition to believe, that our conduct, as a nation, is passing hourly in review before him who sits aloft, and that we shall decline or prosper as that conduct is acceptable. May we not, then, Mr. Chairman, make this great and crying evil, a great and glorious good to our country ? May we not, by directing our energies to the amelioration of their condition, and their ultimate emancipation, render ourselves acceptable, in our political character, to him whose favor is most desirable.

Before I sit down, Mr. Chairman, for I fear I have wearied the patience of the committee, I will take leave to remark, that I am from the south, that I am a native of Virginia.* That my ancestors (as far back as I can certainly trace them, and that is not very far, for I am of no noble birth,) are from Virginia ; my relations and friends are all in the south, and, sir, I have brothers and sisters in Missouri, and if affection for them, and a desire to gratify any one, could be sufficient to induce a relinquishment of my fixed sentiments, my feelings toward them would have that effect. In their household they have slaves, and, like frail man in general, who are in possession of a convenience, they wish to hold to them. But duty must triumph over feeling, when they come in contact.

Mr. Chairman, I know many of the people of Missouri ; I know she has many men of worth and talents, and I believe they ought to have a state government. But, notwithstanding all the predilection I have in favor of Missouri, from the residence there of friends, relations, and acquaintances, I cannot consent to her admission unless her adoption of the principle of this restriction is certainly guaranteed.

And while I have no doubt that I am opposing the popular feelings of Missouri at this moment, that if the voice of futurity could be heard, I should receive its approbation, nay, I believe its gratitude. I believe I am advocating her substantial interests, and of which she will ultimately be satisfied ; and I am sure I am advocating the best interests of this nation. Missouri, therefore, may come, as the gentleman from Massachusetts, (Mr. Holmes,)

*Mr. Cook, since making his remarks, upon examination, finds that he was born a few months after Kentucky was detached from Virginia, and in Kentucky, which, until since he spoke, he thought at that time was a part of Virginia.

has so pathetically described, from the wilderness, with her locks wet with the dews of the night, and knock, and knock, and knock, at your door for admittance, till she falls with weakness, and unless she comes in the white robes of freedom, and a pledge against the future evils of slavery, with my consent she shall not be admitted. No, sir, she may take up her march and return to the land from whence she came. And the gentleman from Massachusetts may escort her, and aid in forming his favorite connection between her and Mexico : that they may set up for themselves, when he will have a fit theatre upon which to display his abilities, and gratify his ambition.

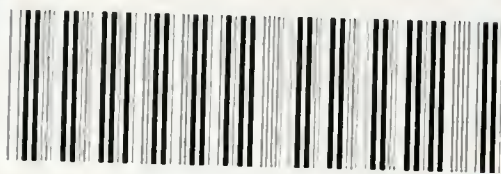
A word more to that gentleman, and I have done. During the war I saw his exertions, and I loved him. He was aiding my country with patriotism and ability. She needed such aid, and as I loved that country, I also loved him. But, I fear, he is presuming upon the character he then acquired ; is taking liberties with others not to be sanctioned. Yet, sir, I will not say to him, as the Poet said to his once loved mistress, that

“ When I lov’d you, I can’t but allow,
I had many an exquisite minute,
But the contempt that I feel for you now,
Hath far more luxury in it.”

No, sir, it might seem too severe. But, I will take leave to refresh his memory in relation to some good advice, flowing from a high and venerated source : “ Judge not lest ye be judged, for with what judgment ye judge others shall ye be also judged. Point not at the mote in the eyes of others, while there is a beam in thy own it is the province of hypocrites so to do.”

Mr. Chairman, I have done.

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